

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NICE SYSTEMS, INC. and NICE  
SYSTEMS LTD,

*Plaintiffs,*

v.

WITNESS SYSTEMS, INC.

*Defendant.*

C.A. No. 06-311-JJF

**DEFENDANT WITNESS SYSTEMS INC.'S PROPOSED VOIR DIRE**

FISH & RICHARDSON P.C.  
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ATTORNEYS FOR DEFENDANT  
WITNESS SYSTEMS, INC.

DATED: January 7, 2008

Pursuant to Fed. R. Civ. P. 47 and D. Del. L.R. 47.1(a)(2), Defendant Witness Systems, Inc. (“Witness Systems”) requests that the Court ask the following voir dire questions of the jury pool, in addition to the customary voir dire questions asked in this Court as reflected in Exhibit 1 hereto:

1. Have you, or has any member of your family, ever worked for the United States Patent and Trademark Office or the United States Department of Commerce?
2. Have you, or has any member of your family, ever obtained or attempted to obtain a U.S. patent?
3. Does your current (or last) employer own any U.S. patents, or have a license to use patents owned by someone else?
4. Do you have strong feelings, either positive or negative, about patents, the rights of patent holders, or the process by which patents are obtained?
5. Do you have strong feelings, either positive or negative, about computer science or information technology?
6. Have you ever heard of NICE Systems or Witness Systems, or any of their products?
7. Have you ever worked in a call center, such as a customer service center or an emergency response dispatch center?
8. Do you, or does any member of your household, own stocks or bonds or have any other financial interest in NICE Systems, Witness Systems, Comverse Technology or Verint Systems?
9. Have you, or has any member of your family, had an idea or invention that was taken or used without permission?
10. Have you, or has any member of your family, had a patent, copyright, trademark, or trade secret that was taken or used without permission?

Dated: January 7, 2008

FISH & RICHARDSON P.C.

By: /s/Kyle Wagner Compton

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Attorneys for Defendant  
Witness Systems, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of January, 2008, I electronically filed with the Clerk of Court the **DEFENDANT WITNESS SYSTEMS, INC.'S PROPOSED VOIR DIRE** using CM/ECF which will send electronic notification of such filing(s) to the below-listed Delaware counsel. In addition, the filing will also be sent via hand delivery.

Josy W. Ingersoll  
Melanie K. Sharp  
Karen E. Keller  
Mary Dugan  
Young, Conaway, Stargatt & Taylor, LLP  
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P.O. Box 391  
Wilmington, DE 19899

*Attorneys for Plaintiffs  
Nice Systems Ltd. and Nice Systems, Inc.*

I also certify that on January 7, 2008, I have sent by electronic mail and U.S. First Class Mail, the document(s) to the following non-registered participants:

Scott G. Lindvall  
Daniel DiNapoli  
Joseph M. Drayton  
Robert R. Laurenzi  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022

*Attorneys for Plaintiffs  
Nice Systems Ltd. and Nice Systems, Inc.*

/s/Kyle Wagner Compton  
Kyle Wagner Compton (#4693)

# EXHIBIT 1

**CUSTOMARY VOIR DIRE TO JURY PANEL**

Good morning, ladies and gentlemen. I am Judge Farnan, and I will be presiding over the trial for which a jury is about to be drawn in the case captioned. Briefly stated, this case is a civil action brought by plaintiffs, NICE Systems, Inc. and NICE Systems Ltd. (collectively, "NICE") against the defendant, Witness Systems, Inc. (also known as Verint Americas Inc.).

NICE is represented by Scott Lindvall, an attorney with Kaye Scholer LLP, and by Melanie Sharp, an attorney with Young, Conaway, Stargatt & Taylor, LLP. Witness Systems is represented by William Marsden and Nick Setty, attorneys with Fish & Richardson P.C.

In the light of this brief summary, I will ask the panel certain questions, the purpose of which is to: (1) enable the court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. If any of you answer any question "yes," please stand up and, upon being recognized by the court, state your juror number. When I have concluded asking all the questions, we will call you to the bench individually to speak with you about your affirmative response or responses.

**[HAVE CLERK ADMINISTER THE OATH TO THE PANEL]**

1. Is any member of the panel personally acquainted with any officer, director, or employee of NICE, or ever done business with NICE.
2. Is any member of the panel personally acquainted with any officer, director, or employee of Witness Systems, or ever done business with Witness Systems?

3. Is any member of the panel related to, or personally acquainted with Mr. Lindvall or Ms. Sharp, NICE's attorneys, or ever been represented by one of them or by any associate or member of their law firms, Kaye Scholer LLP and Young, Conaway, Stargatt & Taylor, LLP?

4. Is any member of the panel related to, or personally acquainted with Mr. Marsden or Mr. Setty, Witness Systems' attorneys, or ever been represented by one of them or by any associate or member of their law firm, Fish & Richardson, P.C.?

*(Continued on following page)*

5. Is any member of the panel related to, or personally acquainted with, any of the following individuals who might appear as witnesses in this case:

Christopher Blair	David Murray
John Bourne	Brian Napper
Thomas W. Britven	Phil Min Ni
Marc Callahan	Kenneth Pohlmann
Daniel Daly	John Edmond Richter
Phillip Dawes	Alan Roden
Barak Eilam	Matthew Rosner
William Evans	Yochai Rozenblat
David Glowny	Eyal Rudnik
John T. Goolkasian	Timothy Shadburn
Timothy Hannah	Damian Smith
Richard Heap	Daniel Spohrer
Kevin Hegebarth	John Strawn
John Henits	Robert Swick
Jeff Iannone	Nancy Treaster
James Judson	Jeff Vitter
Scott McKechnie	Joe Watson
Constantine Messologitis	Jan Carel Warfield
Kathy Miller	David Williams
Thomas Moran	Jamie Williams
Salvatore Morlando	Duane Wright
Ed Murray	Ilan Yosef

6. Does any member of the panel have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?

7. Has any member of the panel ever been a plaintiff or a defendant in a civil lawsuit?



8. Has any member of the panel ever served as a juror in a lawsuit?
9. Does any member of the panel have any education, vocational training, or work experience with or knowledge of patents, electronics, engineering, or computer science?
10. Does any member of the panel have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury in this case?
11. Does any member of the panel know of any other matter which you believe should be called to the Court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?